

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE: :  
: :  
OPENAI, INC., : 25-md-3143 (SHS) (OTW)  
COPYRIGHT INFRINGEMENT LITIGATION, :  
: :  
: : **ORDER**  
This Document Relates To: :  
**23-CV-8292** :  
**23-CV-10211** :  
**24-CV-0084**  
**25-CV-3291**  
**25-CV-3482**  
**25-CV-3483**  
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**ONA T. WANG, United States Magistrate Judge:**

The Court is in receipt of ECF Nos. 149, 151, and 196.

OpenAI asserts that Class Plaintiffs' claims of privilege and work-product protection over 36 documents are waived due to certain prior disclosures. (ECF 149 at 1). Class Plaintiffs assert that they learned of the disclosure on June 10, 2025, when Microsoft informed the Authors Guild "that it had possession of and produced in the *New York Times* Action the emails at issue," and that prior disclosure was inadvertent and thus no privilege was waived. (ECF 196 at 1). The parties are directed to brief the following issues:

- 1) Whether the disclosure was inadvertent; and
- 2) Whether, under the applicable protective order and Fed. R. Evid. 502(d), the disclosure constitutes a waiver of any privilege.

Class Plaintiffs' brief is due by **June 30, 2025**. OpenAI's brief is due by **July 2, 2025**. The parties' briefs are limited to 1,500 words.

If the parties resolve this dispute without resorting to future motion practice and/or briefing, they are to inform the Court by letter by **June 30, 2025**. The parties are further directed to review Fed. R. Civ. P. 37(a)(5).

**SO ORDERED.**

Dated: June 24, 2025  
New York, New York

s/ Ona T. Wang  
**Ona T. Wang**  
United States Magistrate Judge